

## REMARKS

The specification sets forth an extensive description of the invention in the new and amended claims. For example, support for claims directed to processes for pasteurizing microbial cells or microorganisms can be found, inter alia, on page 12, of WO 2004/001021 (substitute sheet, Rule 26), in the section entitled "Microbial Cells". Support for claims directed to processes for pasteurizing microbial cells or microorganisms wherein the heating stage comprises heating the cells or microorganisms from 40°C to 70°C in no more than 30 minutes; or heating the cells or microorganisms from 40°C to 70°C at a rate greater than 0.5°C/minute; or, heating the cells or microorganisms from 40°C to 70°C in no more than 30 minutes at a rate greater than 0.5°C/minute, can be found, inter alia, on page 4, of WO 2004/001021, in the section entitled "First Aspect – Rapid Heating".

Accordingly, Applicants respectfully submit that no new matter is introduced by the instant amendment.

Applicants respectfully submit that all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference will expedite prosecution of this application please contact the undersigned representative.

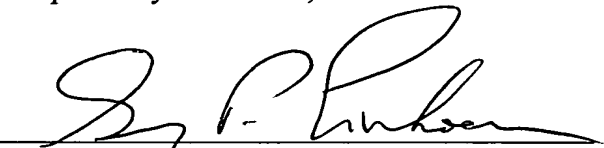
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant

Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 246152024600.

Respectfully submitted,

Dated: December 16, 2004

By:

  
Gregory P. Einhorn  
Registration No. 38,440

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5133  
Facsimile: 858 523 5933